



UNITED STATES PATENT AND TRADEMARK OFFICE

20

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/692,575

10/18/2000

Paul Harold Kavulak

257/081

6503

34263

7590

12/22/2005

O'MELVENY & MYERS LLP
610 NEWPORT CENTER DRIVE
17TH FLOOR
NEWPORT BEACH, CA 92660

EXAMINER

FERRIS, DERRICK W

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,575

Applicant(s)

KAVULAK ET AL.

Examiner

Derrick W. Ferris

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. **Claims 1-22** as amended are still in consideration for this application. Applicant has amended claim 1.
2. Examiner does **not withdraw** the rejection to *Hurd* in view of *Stratton* and *Grover* and corresponding obviousness rejections. In particular, please see the new 112-first paragraph rejection as necessitated by amendment. Furthermore, *Hurd* teaches that the NRU 12 routes the calls based on at least the DNIS, see e.g., column 5, lines 55-67. In particular, the NRU 12 selects a call center and routes the call by modifying the DNIS digits, see e.g., column 8, lines 16-34. At least the modified digits are construed as an internal DNIS given a reasonable but broad interpretation of the claim in light of applicant's specification. In other words, in order to route a call to a destination, the system must know the destination which is the internal or modified DNIS. With respect to wherein the hub is programmed to route each of the calls to their remote sites in an event of system failure, see the references in combination, i.e., the *Grover* reference.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. **Claims 1-22** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

Art Unit: 2663

art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, **claim 1**, last section recites wherein the hub is programmed to route each of the calls to their remote sites in an event of system failure, based upon the *internal DNIS* associated with each of the calls. Specifically, not taught by applicant's specification is the above italicized portion. Specifically, support for an internal DNIS is found e.g., in pages 14 and 17 of applicant's specification. However, the section related to routing failures appears to not teach the above limitation at issue. In particular, applicant's specification at page 22, lines 4-7 teaches "In the even of a system failure, the hub switch 23 may be programmed to route the call to the appropriate route location based upon the *dialed number DNIS*" and not necessarily the *internal DNIS*. Applicant provided no support in their remarks for the above amendment.

Claims 2-22 are rejected for depending upon a rejected base claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-7, 9-13, and 16-22** are rejected under 35 U.S.C. 103(a) as being unpatentable U.S. Patent No. 5,923,745 A to *Hurd* in view of "LATA Map" to *Nathan Stratton* ("*Stratton*") and U.S. Patent No. 4,956,835 A to *Grover*.

As to **claim 1**, see figure 2 of *Hurd*. In particular, a single centralized hub is shown as PSTN 20 in combination with NRU 42, a plurality of remote sites are shown as call centers 16, and a connection of one-to-many is shown in the figure as part of a hub-

Art Unit: 2663

and-spoke model, see e.g., column 7, lines 47-61. In particular note that the NRU 42 can be co-located with any equipment in the PSTN 20 including toll switch 36 such that the NRU 42 is coupled to the call receiving unit and at least a first switch (e.g., toll switch 36). Also note that figure 2 shows one PSTN 20(including the NRU 22) and many call centers 16. The call centers 16 are the remote sites where each site has a respective second switch adapted to receive calls as transferred from the first switch as part of the contact control server CCS 24 and a server as part of e.g., ACD 22, see e.g., column 7, lines 27-40. The live operators are manned by e.g., telephones 26. With respect to call parameters used for staggering calls, see e.g., column 10, lines 10-26. Figure 2 also shows a first connective member as e.g., link 23 and a second connectivity member as e.g., link 25. Examiner notes that the placement of the remotes sites further teaches wherein capital assets located at the respective sites are minimized in favor of maximizing the capital assets located at the hub.

Hurd is silent or deficient to the further limitation remote sites that are distributed geographically remote from the hub and a third connectivity member coupled to providing redundant voice communications between the hub and the sites in the event that the first connectivity member fails.

Stratton teaches the further recited limitation with respect to geographically disperse sites using e.g., the LATA map in combination, and *Grover* teaches the further recited limitation above with respect to a redundant voice link at e.g., column 13, lines 9-38 with respect to a SPARE CIRCUIT.

Art Unit: 2663

The proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Hurd* by clarifying that the remote sites 16 that taught by *Hurd* are geographically dispersed using the LATA numbers and that redundant links such as redundant voice links are known in the art prior to applicant's invention.

As such, examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the above limitation. In particular, the motivation for modifying the reference or to combine the reference teachings would be to route the call using a number where the number corresponds to a LATA number since LATA numbers have to do with the phone system in the U.S. and for providing redundancy in the form of a backup link for providing redundant voice switching. In particular, *Hurd* cures the above-cited deficiency by providing a motivation found at e.g., column 8, line 16-34 with respect to routing voice calls and *Grover* provides a motivation with respect to providing redundancy at e.g., column 13, lines 3-35. Second, there would be a reasonable expectation of success since both references pertain to voice switching. Thus the references either in singular or in combination teach the above claim limitation(s).

As to **claim 2**, see figure 2 of *Hurd*.

As to **claims 3-4**, ATM is supported, see e.g., column 4, lines 45-57 of *Hurd*.

As to **claims 5-6**, the NRU 42 contains a VRU, see e.g., figure 3 of *Hurd*.

As to **claim 7**, see similar rejection to claims 3-4.

As to **claims 9**, see figure 2 of *Hurd* where the locations are at different LECs.

As to **claims 10-12**, see the LATA map of *Stratton*.

As to **claim 13**, the call centers are staffed by live operators, see e.g., column 10, lines 10-26 of *Hurd*.

As to **claim 16**, see the ACD in figure 2 of *Hurd*.

As to **claim 17**, see the PSTN in figure 2 of *Hurd*.

As to **claims 18-20**, see the relationship in figure 2 of *Hurd*.

As to **claims 21-22**, see e.g., links 23 and 25 going to the remote site of *Hurd*. In addition, *Grover* also teaches redundancy with respect to a SPARE CIRCUIT.

7. **Claims 1-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,011,844 A to *Uppaluru et al.* ("*Uppaluru*") in view of "ATM Theory and Application" to *McDysan et al.* ("*McDysan*") in further view of "LATA Map" to *Nathan Stratton* ("*Stratton*") and U.S. Patent No. 4,956,835 A to *Grover*.

As to **claim 1**, *Uppaluru* teaches a telecommunications system adapted to perform as a call receiving center for an inbound telemarketing campaign. With respect to the anticipated rejection, *Uppaluru* discloses a scalable network architecture. In particular, *Uppaluru* shows in figure 5, a POP call center 152 that acts as a hub which interfaces with various business call center spokes 150 where each spoke is from the same business center. Here the business call centers are geographically dispersed from the POP call center (i.e., the backend is at a different location). Furthermore, examiner notes specifically functionality in the front end as opposed to the back end. Specifically, in comparison to applicant's figure 2, the IVR (i.e., the VRU) is in the front end (i.e., the hub) while the ACD is in the back end (i.e., the spoke or remote site), see e.g., column 2, lines 43-67. The gateway uses the translated 800 number (that was translated to a local

number) to identify an IVR application that can either be replicated at the POP call center or dynamically accessed from the business call center (i.e., remote site). Specifically, the POP call center (i.e., hub) responds to the incoming call with an IVR application customized to the business call center that was called by the customer. The connectivity member can be either the long distance network 14 or the call center network 148 where the call center network can also transport voice.

What may be at issue is the further limitation a connectivity member connecting the hub to the remote sites *so that the hub has a one-to-many relationship with the remote sites*. Examiner notes that the above limitation is taught by the reference. In particular, *Uppaluru* teaches a one-to-one relationship, a one-to-many relationship, and a many-to-many relationship. An example of one-to-many is shown e.g., column 3, lines 30-35, and in figure 5 and column 4, lines 60-64. In particular, note one POP call center to one or more premise call centers. However, assuming for the sake of argument that the above section is not clear, the examiner also notes the following obviousness rejection below as well.

McDysan teaches the above limitation of a one-to-many relationship as shown in figure 10.12 on page 306.

Thus examiner proposes to modify *Uppaluru* to clarify a one-to-many relationship.

In particular, examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include a one-to-many relationship. Specifically, one skilled in the art would have been motivated to use a one-to-many relationship in order to

Art Unit: 2663

maintain a hierarchical manner. *McDysan* teaches the above motivation e.g., at bottom of page 305. Examiner also notes a very strong reasonable expectation of success since both references teach ATM, see e.g., column 4, line 65 of *Uppaluru*. In addition, ATM is a hub-and-spoke or star topology (i.e., one-to-many).

Hurd is also silent or deficient to the further limitation remote sites that are distributed geographically remote from the hub and a third connectivity member coupled to providing redundant voice communications between the hub and the sites in the event that the first connectivity member fails.

Stratton teaches the further recited limitation with respect to geographically disperse sites using e.g., the LATA map in combination, and *Grover* teaches the further recited limitation above with respect to a redundant voice link at e.g., column 13, lines 9-38 with respect to a SPARE CIRCUIT.

The proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Hurd* by clarifying that the remote sites 16 that taught by *Hurd* are geographically dispersed using the LATA numbers and that redundant links such as redundant voice links are known in the art prior to applicant's invention.

As such, examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the above limitation. In particular, the motivation for modifying the reference or to combine the reference teachings would be to route the call using a number where the number corresponds to a LATA number since LATA numbers have to do with the phone system in the U.S. and for providing redundancy in

Art Unit: 2663

the form of a backup link for providing redundant voice switching. In particular, *Hurd* cures the above-cited deficiency by providing a motivation found at e.g., column 8, line 16-34 with respect to routing voice calls and *Grover* provides a motivation with respect to providing redundancy at e.g., column 13, lines 3-35. Second, there would be a reasonable expectation of success since both references pertain to voice switching. Thus the references either in singular or in combination teach the above claim limitation(s).

As to **claims 2-4**, see e.g., column 4, lines 60-67 of *Uppaluru*.

As to **claims 5-6**, see e.g., column 2, lines 43-56 of *Uppaluru*.

As to **claims 7-8**, see e.g., column 4, lines 60-67 of *Uppaluru*.

As to **claims 9-12**, see e.g., column 4, lines 25-30 of *Uppaluru*. In addition the distances as taught by *Uppaluru* also note the LATA map as provided by *Stratton*.

As to **claim 13**, see e.g., column 3, lines 57-63 of *Uppaluru*.

As to **claims 14-15**, see e.g., column 4, lines 60-67 of *Uppaluru*.

As to **claim 16**, see e.g., column 3, lines 58-67 of *Uppaluru*.

As to **claims 17-20**, see e.g., figure 3 of *Uppaluru*.

As to **claims 21-22**, see column 5, lines 1-14 of *Uppaluru*.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2663

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DWF

Derrick W. Ferris
Examiner
Art Unit 2663


RICKY Q. NGO
SUPERVISORY PATENT EXAMINER